APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/774,505	01/31/2001	Richard H. Boivie	YOR920000617US1	3106

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EXAMINER
SHAND, ROBERTA A

ART UNIT	PAPER NUMBER
2665	

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	09/774,505	BOIVIE, RICHARD H.
	Examiner	Art Unit	
	Roberta A. Shand	2665	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *17 August 2005*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *23-25,27,28,32 and 33* is/are allowed.

6)☒ Claim(s) *1-6,9-14,16-18,26,29 and 30* is/are rejected.

7)☒ Claim(s) *7,8,15,19-22 and 31* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All   b)☐ Some *   c)☐ None of:

         1.☐ Certified copies of the priority documents have been received.

         2.☐ Certified copies of the priority documents have been received in Application No. _____.

         3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
     Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-6, 9-14, 16, 26, 29 and 30 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Jones (U.S. 6512776 B1) in view of Nakamura (U.S. 5771352).

3.   Regarding claim 1, Jones teaches (fig. 2) a method of delivering information to multiple

networked devices, comprising: receiving a first request for a first item of information from a

first networked device (client 1), requesting information to be delivered as an ordinary unicast

packet; receiving a second request for the first item of information from a second networked

device (client 2), requesting information to be delivered as an ordinary unicast packet.

4.   Jones does not teach a packet including a first address used for the first networked device,

and second address used for the second networked device, and a data payload that includes at

least a part of the first item of information, for delivering the data payload to multiple networked

devices, wherein the at least part of the first item of information included in the data payload

being destined for reception by the first device in a first ordinary packet, and further wherein the

at least part of the first item of information included in the data payload being destined for

reception by the second networked device in a second ordinary unicast packet..

5.   Nakamura teach (figs. 2-3 and col. 8, lines 45 – col. 9, line 9) a packet including a first

address used for the first networked device, and second address used for the second networked

device, and a data payload that includes at least a part of the first item of information, for delivering the data payload to multiple networked devices, wherein the at least part of the first item of information included in the data payload being destined for reception by the first device in a first ordinary packet, and further wherein the at least part of the first item of information included in the data payload being destined for reception by the second networked device in a second ordinary unicast packet.. It would have been obvious to one of ordinary skill in the art to adapt to Jones system, Nakamura's concept of destination address in the header to save time is delivering the same information several different stations.

6.   Regarding claim 2, Jones teaches (fig. 2) in response to the first request forming a first packet indicating the first address and a first data payload; in response to the second request forming a second packet indicating the first address and a first data payload; determining that the first packet and the second packet both include the data payload; and performing the step of forming a combined packet (abstract, the first data stream and the second data stream into a single data stream).

7.   Regarding claim 3, Jones teaches (col. 2, lines 59 – col. 3, lines 14) comparing the byte size of the first packet to the byte size of the second packet.

8.   Regarding claim 4, Jones teaches (col. 2, lines 54 – col. 3) computing a cannonical checksum for the first packet; computing a cannonical checksum for the second packet; and

comparing the cannonical checksum for the first packet to the cannonical checksum for the

second packet.

9.   Regarding claim 5, Jones teaches (col. 2, lines 54 – col. 3) performing a byte-by byte

comparison of the data payload of the first packet and of the second packet.

10.   Regarding claim 6, Jones teaches (col. 2, lines 54 – col. 3) computing a cannonical

checksum for the first packet; computing a cannonical checksum for the second packet;

comparing the cannonical checksum for the first packet to the cannonical checksum for the

second packet; and in the case that the cannonical checksum for the first packet matches the

cannonical checksum for the second packet, performing a byte-by-byte comparison of the data

payloads of the first and second packet.

11.   Regarding claim 9, Jones teaches (col. 2, lines 59 – col. 3) comparing the byte size of the

first packet to the byte size of the second packet, in the case where the sizes match, computing a

cannonical checksum for the first packet; computing a cannonical checksum for the second

packet; and comparing the cannonical checksum for the first packet to the cannonical checksum

for the second packet.

12.   Regarding claim 10, Jones teaches (col. 2, lines 54 – col. 3) in the case that the

cannonical checksum for the first packet matches the cannonical checksum for the second

packet, performing a byte-by-byte comparison of the data payloads of the first and second

packet.

13.   Regarding claim 11, Jones teaches (col. 2, lines 59 – col. 3, lines 14) comparing the byte

size of the first packet to the byte size of the second packet, in the case where the byte sizes

match, performing a byte-by byte comparison of the data payload of the first packet and of the

second packet.

14.   Regarding claim 12, Jones teaches (fig. 2) receiving a request for web content. In the

Jones reference, figure 2 depicts Internet as the source network, therefore it is inherent in Jones'

system that web content information can be requested.

15.   Regarding claim 13, Jones teaches (fig. 2) receiving a request for web content. In the

Jones reference, figure 2 depicts Internet as the source network therefore it is inherent in Jones'

system that http information can be requested.

16.   Regarding claim 14, Nakamura teaches (col. 8, line 45 – col. 9, line 9) adding to the

combined packet a first reliable unicast header part associated with the first address; and adding

to the combined packet a second reliable unicast header part associated with the second address.

17.   Regarding claim 16, Jones teaches a method of relaying a packet in a network,

comprising: receiving a data content part of a first packet; receiving a first destination address

part of the first packet used for the first device; and receiving a second destination address part of the first packet used for a second device (col. 4, lines 32-43).

18.   Jones does not teach receiving a first reliable unicast header part associated with the first address; and receiving a second reliable unicast header part associated with the second address.

19.   Nakamura teaches (col. 8, line 45 –col. 9, line 9 and figs. 2-3) multicasting messages using multiple headers and a single payload. It would have been obvious to one of ordinary skill in the art to adapt to Jones's system Nakamura's concept of multiple headers to ensure proper delivery of the message to the designated destination and maintain the tracking of information within the system.

20.   Regarding claim 26, Jones teaches (fig. 2) a network device comprising: a comparator for comparing an item of information associated with a first destination address with an item of information associated with a second destination address (col. 2, lines 33-34); a packet manager for combining the first destination address, the second destination address, and the item of information in a packet; and a network interface for transmitting the packet (abstract, the first data stream and the second data stream into a single data stream).

21.   Jones does not teach the item of information is to be received at the first destination network address in a first unicast packet and at the second destination network address in a second unicast packet

22.   Nakamura teaches (col. 9, line 45 – col. 9, line 9) the item of information is to be received at the first destination network address in a first unicast packet and at the second destination network address in a second unicast packet . It would have been obvious to one of

ordinary skill in the art to adapt to Jones system, Nakamura's concept of destination address in

the header to save time is delivering the same information several different stations.

23.   Regarding claim 29, Jones teaches (fig. 2 and (col. 2, lines 30-52)) a computer readable

medium containing programming instructions for distributing information over a network,

comprising: receiving a first request for a first item of information from a first networked device

(client 1), requesting information to be delivered as an ordinary unicast packet; receiving a

second request for the first item of information from a second networked device (client 2),

requesting information to be delivered as an ordinary unicast packet.

24.   Jones does not teach a packet including a first address used for the first networked device,

and second address used for the second networked device, and a data payload that includes at

least a part of the first item of information, for delivering the data payload to multiple networked

devices, wherein the at least part of the first item of information included in the data payload

being destined for reception by the first device in a first ordinary packet, and further wherein the

at least part of the first item of information included in the data payload being destined for

reception by the second networked device in a second ordinary unicast packet..

25.   Nakamura teach (col. 8, lines 45 – col. 9, line 9) a packet including a first address used

for the first networked device, and second address used for the second networked device, and a

data payload that includes at least a part of the first item of information, for delivering the data

payload to multiple networked devices, wherein the at least part of the first item of information

included in the data payload being destined for reception by the first device in a first ordinary

packet, and further wherein the at least part of the first item of information included in the data

payload being destined for reception by the second networked device in a second ordinary

unicast packet. It would have been obvious to one of ordinary skill in the art to adapt to Jones

system, Nakamura's concept of destination address in the header to save time is delivering the

same information several different stations.

26.   Regarding claim 30, Jones teaches, a computer readable medium containing

programming instructions for relaying a packet in a network comprising: receiving a data content

part of a first packet; receiving a first destination address part of the first packet; and receiving a

second destination address part of the first packet (col. 4, lines 32-43).

27.   Jones does not teach receiving a first reliable unicast header part associated with the first

address; and receiving a second reliable unicast header part associated with the second address.

28.   Nakamura teaches (col. 8, line 45 - col. 9, line 9) unicast headers. It would have been

obvious to one of ordinary skill in the art to adapt to Jones's system Nakamura's concept of

multiple unicast headers to ensure proper delivery of the message to the designated destination

and maintain the tracking of information within the system.

29.   Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of

is Nakamura and in further view of Weaves (U.S. 6873618 B1).

30.   As mentioned above Jones and Nakamura teach all of the limitations of claim 16,

however they do not teach a TCP header.

31.   Weaves teaches (claim 1) a TCP header to form a TCP segment. It would have been obvious to one of ordinary skill in the art to adapt Weaves' TCP header concept to Jones and Nakamura's system to broaden the scope of the invention to include TCP/IP protocol.

32.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones in view of Nakamura's and in further view of Bryden (U.S. 6717944 B1).

33.   As mentioned above Jones and Nakamura teaches all of the limitations of claim 16, However they do not teach determining a first and second next hop based on the first and second destination addresses.

34.   Bryden teaches (col. 9, lines 54-56) determining the next hop address based on the destination address. It would have been obvious to one of ordinary skill in the art to adapt to Jones and Nakamura's system Bryden's determination of the next hop address based on the destination address in order to arrive at the best path possible to the destination node.

Allowable Subject Matter

35.   Claims 7, 8, 15, 19-22, 31 and 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

36.   Claims 23-25, 27, 28 32 and 33 are allowed.

Conclusion

37.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

38.   A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

39.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Roberta A Shand whose telephone number is 571-272-3161. The

examiner can normally be reached on M-F 9:00am-5:30pm.

40.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Huy Vu can be reached on 571-272-3155. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

41.   Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roberta A Shand
Examiner
Art Unit 2665

STEVEN NGUYEN
PRIMARY EXAMINER